

REMARKS/ARGUMENTS:

Claim 18 has been amended to further clarify the subject matter regarded as the invention. New claims 37-40 pertain to operations that can be performed by a remote device in connection with a gaming device (see, for example, claim 18).

In the Office Action, the Examiner has rejected claims 18-36 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,645,077 (*Rowe*) in view of U.S. Patent No. 5,991,399 (*Graunke et al.*) and Patent No. 6,149,522 (*Alcorn et al.*). The Examiner's rejection of claims is fully traversed below.

Claim 18, among other things, recites:

a) receiving by a gaming device only one of a first private key or a second private key for respectively decrypting encrypted first and second operating data which are stored on a gaming device for first and second games, in order to prevent the executing of the first or second game on the gaming device, and

b) sending by the gaming device information related to the decrypted one of the first or second operating for authentication after decrypting it respectively by the first or second private key.

Initially, it is respectfully submitted that the Examiner has not properly addressed these claimed features (a and b noted above). Instead, the Examiner has merely asserted that *Graunke et al.* teaches "utilizing private key for cryptographic processing data" (Office Action, page 3). Clearly, this general assertion does not address the claimed feature of: (a) receiving by a gaming device (or providing the gaming device with) only one of a first private key or a second private key for respectively decrypting encrypted first and second operating data which are stored on a gaming device for first and second games, in order to prevent the executing of the first or second game on the gaming device.

Accordingly, it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn. Moreover, it is respectfully submitted that *Graunke et al.* does not teach this claimed feature (a). Instead, *Graunke et al.* teaches: secure

distribution of a private key to a user's application program (such as DVD player) with conditional access based on verification of the application program (see, for example, the Abstract).

In the Office Action, the Examiner has asserted that *Alcorn et al.* teaches the claimed feature of: (b) sending by the gaming device information related to the decrypted one of the first or second operating for authentication after decrypting it respectively by the first or second private key. In order to support this assertion, the Examiner has relied on the abstract of *Alcorn et al.* which is reproduced below:

Authentication of a casino game data set is carried out within the casino game console using an authentication program stored in an unalterable ROM physically located within the casino game console. The casino game data set and a unique signature are stored in a mass storage device, which may comprise a read only unit or a read/write unit and which may be physically located either within the casino game console or remotely located and linked to the casino game console over a suitable network. The authentication program stored in the unalterable ROM performs an authentication check on the casino game data set at appropriate times, such as prior to commencement of game play, at periodic intervals or upon demand. At appropriate occasions, the contents of the unalterable ROM can be verified by computing the message digest of the unalterable ROM contents and comparing this computed message digest with a securely stored copy of the message digest computed from the ROM contents prior to installation in the casino game console.

[*Alcorn et al.* Abstract]

Clearly, the abstract of *Alcorn et al.* or general knowledge that authentication can be performed does not address this specific claimed feature. Accordingly, it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn for this additional reason.

Moreover, it is respectfully submitted that the cited art does not teach or suggest the combination of the claimed features noted above (a and b) and therefore claim 18 and other independent claims are patentable over the cited art for at least this reason.

Finally, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness because the Examiner has failed to provide a motivation or suggestion for combining *Rowe, Graunke et al.* and *Alcorn et al.* Instead,

the Examiner has merely asserted that “one of ordinary skill in the art would have been forced to seek outside references, such as the *Graunke et al.* reference for disclosure as to the known manners and/or procedures of enacting the encryption as described in the first invention of Rowe” (Office Action, page 4), and *Alcorn et al.* teaches “a step of taking the security measures a step further to prevent tampering with the contents of the game data” (Office Action, page 5).

Based on the foregoing, it is submitted that the claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P376). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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